

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

MITCHELL SELSOR,)
)
Plaintiff,)
)
vs.) Cause No. : 6:21-cv-3276
)
UNITED STATES OF AMERICA,)
)
Defendant.)

COMPLAINT
Federal Tort Claims Act.

COMES NOW Plaintiff Mitchell Selsor and for his Complaint against Defendant
UNITED STATES OF AMERICA, states as follows:

JURISDICTION AND VENUE

1. JURISDICTION: Jurisdiction is proper under 28 U.S.C. §1346. This suit is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671, et seq.
2. An administrative claim pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671, et seq., was timely made and served upon the United States of America on March 22, 2021, and was acknowledged on April 13, 2021, [Exhibit 1] and has not been denied, and this suit is subsequently filed after more than 6 months of the originally filing date.
3. VENUE: Venue is proper in this District pursuant to 28 U.S.C. §1402 and 28 U.S.C. §1346 as Plaintiff is and was at all relevant times a resident and citizen of this Judicial District and collision complained of occurred within this Judicial District.

PARTIES

4. At all times relevant hereto, Plaintiff is and was an adult resident and citizen of

the State of Missouri.

5. Defendant is the United States of America (herein after "USA"), based upon the negligent acts or omissions of David Blanton acting in the course and scope of employment.

6. At all time relevant hereto, The United States Postal Service (herein after "USPS") was and is an agency of USA and its employees and agents are federal employees to whom the FTCA applies.

7. At all times relevant hereto, Defendant USA acted by and through its employees and agents, including without limitation the employees of the US Postal Service, each of whom was acting in the course and scope of their employment.

8. At all times relevant hereto, David Blanton was an employee or agent of the USPS and a federal employee and was acting in course and scope of his duties as a driver for the USPS.

FACTUAL ALLEGATIONS AND CLAIMS

9. On or about January 25, 2021, at approximately 3:44 p.m., Plaintiff was properly operating his vehicle traveling westbound on RT-YY just before Farm Road 203 in Greene County, Missouri.

10. At that same approximate place and time, Defendant USA was operating a Postal Service vehicle on Farm Road 203, and with full view of Plaintiff's approaching vehicle pulled out into the westbound travel lane of RT-YY right in front of Plaintiff's vehicle causing a collision.

11. Defendant USA, through the actions of its USPS employee driver committed one or more of the following negligent acts or omissions:

- a) Defendant's employee failed to keep a proper lookout for vehicles approaching;
- b) Defendant's employee failed to yield the right-of-away to Plaintiff's vehicle;
- c) Defendant's employee pulled directly into the line of travel of a properly proceeding vehicle causing a collision;
- d) Defendant's employee unlawfully turned his vehicle to proceed in the opposite direction when such turn would not be made in safety and without interfering with other traffic or otherwise in violation of Section 304.341 RSMo;
- e) Defendant's employee turned his vehicle to proceed in the opposite direction where the same may have, and did, create a traffic hazard.
- f) Defendant's employee entered from a side road "T-intersection" when it was not safe to do so and otherwise in violation of Section 304.341, and/or 304.351 et seq.
- g) Defendant failed to yield to Plaintiff's vehicle which had the right of way.
- h) Defendant failed to operate his vehicle with the highest degree of care.

9. As a direct and proximate result of one or more of the negligent acts or omissions above stated, Defendant's vehicle struck the vehicle Plaintiff was a passenger in and Plaintiff was caused injury and damages, including but not limited to injuries to his left shoulder, left elbow and more specifically his low back and Plaintiff has injuries to be determined; Plaintiff has been caused to suffer emotional and physical pain and suffering, and has incurred medical care,

treatment, diagnosis, surgery, operations and related therapies, and will require the same into the future, including but not limited to surgeries or long-term medications or both and has been caused to incur medical expenses and costs, obligations to applicable insurers. Plaintiff has further endured disability in his personal activities and will so suffer in the future, all in amounts to be determined. Plaintiff has also suffered damage to his vehicle in the amount excess of \$14,000.

WHEREFORE, for the reasons stated above, Plaintiff prays this Court enter judgment in her favor and against Defendant United States of America in an amount fair and reasonable and sufficient to compensate for her injury and loss, for costs of litigation, and for such other relief as this Court deems just and proper.

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